

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	
	)	MASTER FILE NO. 01-CV-12257-PBS
THIS DOCUMENT RELATES TO:	)	
	)	Hon. Patti B. Saris
<i>State of Nevada v. American Home Prods.</i>	)	
<i>Corp., et al.,</i>	)	
D. Nev. Cause No. CV-N-02-0202-ECR	)	

**DECLARATION OF JAMES J. DUFFY IN SUPPORT OF DEFENDANT  
ASTRAZENECA PHARMACEUTICALS LP'S INDIVIDUAL RULE 56.1 RESPONSE  
TO THE ADDITIONAL FACTS RELIED UPON BY THE STATE OF NEVADA  
IN RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, James J. Duffy, declare the following:

1. I am an associate of the law firm of Davis Polk & Wardwell, attorneys for Defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca") in the above-referenced action. I submit this declaration in support of AstraZeneca's individual Rule 56.1 response to the additional facts relied upon by the State of Nevada in response to Defendants' motion for summary judgment.
2. Attached hereto as Exhibit 1 is a true and correct excerpted copy of the transcript from day nine of the bench trial in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456, dated November 21, 2006, pages 76-84.

I swear under penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

Dated: New York, New York  
April 5, 2007

By: /s/ James J. Duffy  
James J. Duffy (admitted *pro hac vice*)  
DAVIS POLK & WARDWELL  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000

**CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2007, I caused a true and correct copy of the foregoing, Declaration of James J. Duffy in Support of Defendant AstraZeneca Pharmaceuticals LP's Individual Rule 56.1 Response to the Additional Facts Relied Upon by the State of Nevada in Response to Defendants' Motion for Summary Judgment, to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 in MDL No. 1456.

/s/ Katherine B. Schmeckpeper